

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 28TH SESSION:
COUNCIL - PART III**

Please fill out one form for each textual proposal which your delegation(s) wish(es) to amend, add or delete and send to council@isa.org.jm.

1. Name of Working Group:

President's Text

2. Name(s) of Delegation(s) making the proposal:

Submitted by Nauru Ocean Resources Inc., Tonga Offshore Mining Ltd. and Blue Minerals Jamaica Ltd.

3. Please indicate the relevant provision to which the textual proposal refers.

Draft Reg. 36

4. Kindly provide the proposed amendments to the regulation or standard or guideline in the text box below, using the "track changes" function in Microsoft Word. Please only reproduce the parts of the text that are being amended or deleted.

Comments/remarks

- Several delegations suggested to only refer to standards since this is a vital document for the exploitation activities.

5. Please indicate the rationale for the proposal. [150-word limit]

- We do not support the proposal to only refer to Standards in Draft Regulation 36 as there may be a need to also use Guidelines for some issues.
- The form of the insurance and availability of deep seabed mining insurance is likely to require some flexibility until the market for such products is mature. This suggests the need for recommendatory guidance in the form of Guidelines.

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Draft Reg. 36(1.bis)

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{1.bis. The insurance required under paragraph 1 shall:

(a) be proposed at the time of applying for approval of a Plan of Work of exploitation to allow the Commission and Council to assess the satisfactoriness of the proposed insurance policy against this Regulation and the relevant Standard and Guidelines;

(b) be in effect from the start date of ~~the Contract~~Commercial Production, until such time as the Environmental Performance Guarantee has been released back to the Contractor in full by the Authority; and

(c) cover all potential ~~harms~~Serious Harm to people, property, natural resources, and environment that may occur, wherever located, ~~or howsoever caused, as a result of~~directly caused by the Contractor's activities-actions in the Area}.

5. Please indicate the rationale for the proposal. [150-word limit]

- We consider that the insurance should only be required from the start of Commercial Production – given the risks it covers would not be live until that point.
- We also consider that Draft Regulation 36(1.bis)(c) is excessively broad. The requirements should not be so onerous as to make it impossible for Contractors to practicably obtain the required insurance.
- Insurance requirements should also be limited to requiring cover for Serious Harm that may be caused to the Marine Environment. Acceptable levels of impact will necessarily be approved in the Contractor's Plan of Work. Therefore, the requirement for insurance to cover "all potential harms" is inconsistent with the framework of the Convention.

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Draft Reg. 36(4)

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4. A Contractor shall not make any material change to or terminate any insurance policy related to its Exploitation activities in the Area without the prior consent of the ~~[Council] Secretary General~~. [Commission](#).

5. Please indicate the rationale for the proposal. [150-word limit]

- We consider that requiring these changes to go to the Council would unnecessarily slow down the operations of Contractors and create an unnecessary workload for the Council.
- We propose the Commission or Secretary-General is the most appropriate decision-maker to give this consent.